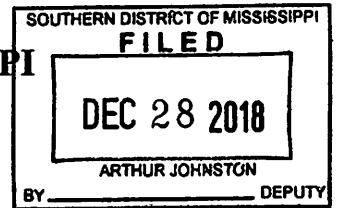


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**



DOUGLAS HANDSHOE

v.

CIVIL ACTION NO. 1:15cv382-HSO-JCG

VAUGHN PERRET, CHARLES LEARY &  
DANIEL ABEL, D/B/A/ TROUT POINT  
LODGE LTD OF NOVA SCOTIA & IN  
THEIR INDIVIDUAL CAPACITIES  
PROGRESS MEDIA GROUP LIMITED,  
MARILYN SMULDERS, & ASHOKA

**RESPONSE IN OPPOSITION TO COUNTERCLAIMANT LEARY'S  
MOTION FOR RECONSIDERATION (ECF# 309)**

Plaintiff / Counter-Defendant Douglas Handshoe respectfully submits this response in opposition to Defendant Charles Leary's Motion for Reconsideration (ECF# 309) and he will show that Mr. Leary's Motion should be denied.

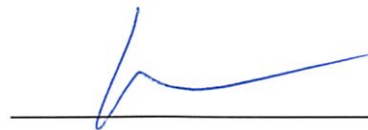
Leary's Motion should be denied for numerous reasons including that the Court did not err in dismissing Leary's claim under 11 U.S.C. § 362 for the failure to state a claim for which relief can be granted as stated by the Court in its *Memorandum Opinion and Order Granting In Part And Denying In Part Defendant/Counter-Claimant Charles Leary's [294] Motion for Partial Reconsideration* (ECF #305).

Additionally, conflicting case law nationwide indicates either that this Court lacks subject matter jurisdiction over the 11 U.S.C. §362 claim or alternatively; by both local rule, local standing order and 28 U.S.C. § 157(a) these claims, core to the bankruptcy proceedings involving Slabbed New Media, L.L.C., should not be withdrawn from the purview of the Bankruptcy Court and are due to be dismissed from this civil action.

Handshoe respectfully submits that the Leary motion that is the subject of this expediated briefing is sanctionable given the clear record of the Slabbed New Media Bankruptcy matter and the clearly contradictory arguments submitted by Mr. Leary in this instant matter and thus represents continued dilatory tactics to delay the resolution of this matter.

These matters are more fully discussed in the accompanying Memorandum that is contemporaneously filed with this Opposition.

Respectfully submitted this 28<sup>th</sup> day of December,  
2018,



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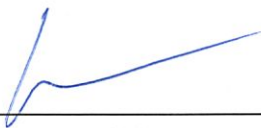
Plaintiff  
Douglas Handshoe  
Post Office Box 788  
110 Hall Street  
Wiggins, MS 39577  
(601) 928-5380  
[earning04@gmail.com](mailto:earning04@gmail.com)

### **CERTIFICATE OF SERVICE**

I, Douglas Handshoe, hereby certify that on December 28, 2018 the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk.

I, Douglas Handshoe, hereby certify that on December 28, 2018, I mailed the foregoing to Charles Leary at 308 5th Ave E, Vancouver, BC V5T 1H4 Canada.

Respectfully submitted this 28<sup>th</sup> day of December, 2018,



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Douglas Handshoe  
Post Office Box 788  
110 Hall Street  
Wiggins, MS 39577  
(601) 928-5380  
[earning04@gmail.com](mailto:earning04@gmail.com)